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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,996	03/22/2004	Welton E. White	H0006062--1065	2355

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EXAMINER

AFZALI, SARANG

ART UNIT PAPER NUMBER

3726

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/806,996	Applicant(s) WHITE, WELTON E.	
	Examiner Sarang Afzali	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) 1-9 and 20-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10, 14, 15 and 18 is/are rejected.
- 7) ☒ Claim(s) 11-13, 16, 17 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20040323</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II (claims 10-19) in the reply filed on 9/0/2006 is acknowledged.

Specification

2. The disclosure is objected to because of the following informalities:

Page 4, paragraph [0010], "FIG. 2" should read -- FIG. 1 --.

Page 7, line 1, "exhaust module 108" seems to be incorrect and probably needs to read -- combustion module 106 --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ritz et al. (US 3,872,565).

As applied to claim 10, Ritz et al. teach a tool (fixture 20, Fig. 1) comprised of a hub (combination of ring 38 and center hub 42, Fig. 1) having first and second sides (top and bottom sides of both ring 38 and hub 42) and an opening extending therethrough (opening in the hub 42, Fig. 1), the first side (bottom side) having first and

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second mating surfaces (first mating surface is the bottom surface of ring 38 and second mating surface is the bottom surface of hub 42) configured to mate with the shroud mating surface and the casing mating surface, respectively, the hub having distance between the planes in which the first and second mating surfaces lie, wherein the hub distance is less than the inlet housing distance.

Note that Ritz et al. tool only needs to engage a portion of a shroud mating surface and a portion of the casing mating surface to meet the claim limitation and it is clear that, if needed, one may be able to manipulate the tool of Ritz et al. by holding it in an angle and/or different orientation in order to engage the abovementioned surfaces.

Note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Thus, Ritz et al. is capable of performing the intended use and therefore meet the claimed invention.

The Applicant needs to recite a more detailed structure of the claimed tool in order to further differentiate it from the tool of Ritz et al.

As applied to claim 14, Ritz et al. teach a tool wherein the hub (combination of ring 38 and center hub 42, Fig. 1) is ring shaped.

As applied to claim 15, Ritz et al. teach a tool further comprising an arm (44, Fig. 1) coupled to at least a portion of the hub (hub 42 portion of combination of ring 38 and

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center hub 42, Fig. 1) and configured to contact the seal housing to selectively raise and lower the seal housing away from and toward the shroud, respectively.

Note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Thus, Ritz et al. is capable of performing the intended use and therefore meet the claimed invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ritz et al. Ritz et al. teach the claimed invention with the exception of explicitly disclosing the aluminum material for the hub. However, it is well known in the art to make a tool from aluminum for its lightweight and corrosion resistance characteristics. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Ritz et al. by using aluminum as the material for the tool because of its well known characteristics.

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Allowable Subject Matter

7. Claims 11, 12, 13, 16, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarang Afzali whose telephone number is 571-272-8412. The examiner can normally be reached on 7:00-3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SA
12/11/2006



DAVID P. BRYANT
SUPERVISORY PATENT EXAMINER

12/11/06